

Filed for intro on 02/02/2000  
SENATE BILL 2425 By  
Dixon

HOUSE BILL 3149  
By Jones U (Shel)

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to school attendance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3001, is amended by adding the following as a new, appropriately designated subsection:

(d)(1) For purposes of this part:

(A) "**Habitual truant**" means any pupil in a public, private, or church-related school subject to compulsory full-time education pursuant to Tennessee Code Annotated, Section 49-6-3001, et seq., who is absent from school without valid excuse five (5) days (meaning an aggregate of five (5) days during the school year, and not necessarily five (5) consecutive days), without adequate excuse.

(B) "**Truant**" means any pupil in a public, private or church-related school subject to compulsory full-time education pursuant to Tennessee Code Annotated, Section 49-6-3001 et seq., who is found during school hours without valid excuse, unless accompanied by a parent or guardian or unless

accompanied, with the consent of a parent, foster parent, or guardian by a relative by blood or marriage who is at least eighteen (18) years of age, in a public place, in any public or private conveyance, or in any place of business open to the public.

(2) Law enforcement officers are authorized to take temporary custody of truants in accordance with the following conditions:

(A) Every school attendance officer, sheriff, and police officer in Tennessee is empowered to take into custody, as a law-enforcement officer, or attendance officer, any child who is subject to compulsory full-time education pursuant to this section, Tennessee Code Annotated, Section 49-6-3001 et seq., who is found during school hours without valid excuse, unless accompanied by a parent, guardian, or unless accompanied, with the consent of a parent, foster parent, or guardian by a relative by blood or marriage who is at least eighteen (18) years of age, in a public place, in any public or private conveyance, or in any place of business open to the public.

(B) When an officer takes a child into custody under this section, he shall immediately deliver the child to either:

- (i) The parent, guardian, or other person having control or custody of the child if a child is not enrolled in any school;
- (ii) The principal of the public, private or parochial school in which the child is enrolled; or
- (iii) A truancy center.

(C) For the purposes of this section "truancy center" means a facility or site operated by a school division, sometimes jointly with the local law-enforcement agency, and designated for receiving children who have been

retrieved by a law-enforcement officer or attendance officer for truancy from school.

(D) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

(E) Any such law-enforcement officer or attendance officer shall not be liable for any civil damages for any acts or omissions resulting from picking up or delivering a child as provided in this section when such acts or omissions are within the scope of employment of such law-enforcement officer or attendance officer and are taken in good faith, unless such acts or omissions were the result of gross negligence or willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any claim occurring prior to the effective date of this law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.